

20A-1-101. Title.

This title is known as the "Election Code."

Enacted by Chapter 1, 1993 General Session

20A-1-102 (Superseded 01/01/15). Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

(3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes.

(b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.

(4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

(a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) are used in conjunction with ballot sheets that do not display that information.

(5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:

(a) an opinion question specifically authorized by the Legislature;

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

(g) an incorporation of a city or town; or

(h) any other ballot question specifically authorized by the Legislature.

(6) "Ballot sheet":

(a) means a ballot that:

(i) consists of paper or a card where the voter's votes are marked or recorded; and

(ii) can be counted using automatic tabulating equipment; and

(b) includes punch card ballots and other ballots that are machine-countable.

(7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.

(8) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(9) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(10) "Book voter registration form" means voter registration forms contained in a

bound book that are used by election officers and registration agents to register persons to vote.

(11) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

(12) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(13) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(14) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass.

(15) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(16) "Convention" means the political party convention at which party officers and delegates are selected.

(17) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(18) "Counting judge" means a poll worker designated to count the ballots during election day.

(19) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

(20) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the poll workers and counting judges to count ballots during election day.

(21) "County officers" means those county officers that are required by law to be elected.

(22) "Date of the election" or "election day" or "day of the election":

(a) means the day that is specified in the calendar year as the day that the election occurs; and

(b) does not include:

(i) deadlines established for absentee voting; or

(ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early Voting.

(23) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

(24) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election.

(25) "Election Assistance Commission" means the commission established by Public Law 107-252, the Help America Vote Act of 2002.

(26) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(27) "Election judge" means a poll worker that is assigned to:

- (a) preside over other poll workers at a polling place;
 - (b) act as the presiding election judge; or
 - (c) serve as a canvassing judge, counting judge, or receiving judge.
- (28) "Election officer" means:
- (a) the lieutenant governor, for all statewide ballots and elections;
 - (b) the county clerk for:
 - (i) a county ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
 - (c) the municipal clerk for:
 - (i) a municipal ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
 - (d) the local district clerk or chief executive officer for:
 - (i) a local district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
 - (e) the business administrator or superintendent of a school district for:
 - (i) a school district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- (29) "Election official" means any election officer, election judge, or poll worker.
- (30) "Election results" means:
- (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
 - (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
- (31) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
- (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.
- (33) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- (b) "Electronic voting device" includes a direct recording electronic voting device.
- (35) "Inactive voter" means a registered voter who has:
- (a) been sent the notice required by Section 20A-2-306; and
 - (b) failed to respond to that notice.
- (36) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

(37) "Judicial office" means the office filled by any judicial officer.

(38) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(39) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

(40) "Local district officers" means those local district board members that are required by law to be elected.

(41) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election.

(42) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

(43) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(44) "Municipal executive" means:

(a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

(45) "Municipal general election" means the election held in municipalities and, as applicable, local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(46) "Municipal legislative body" means the council of the city or town in any form of municipal government.

(47) "Municipal office" means an elective office in a municipality.

(48) "Municipal officers" means those municipal officers that are required by law to be elected.

(49) "Municipal primary election" means an election held to nominate candidates for municipal office.

(50) "Official ballot" means the ballots distributed by the election officer to the poll workers to be given to voters to record their votes.

(51) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) the facsimile signature of the election officer; and

(b) the information on the ballot stub that identifies:

(i) the poll worker's initials; and

(ii) the ballot number.

(52) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

(53) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record the voter's vote for each office and for or against each ballot proposition.

(54) "Pilot project" means the election day voter registration pilot project created in Section 20A-4-108.

(55) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

(56) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(57) "Polling place" means the building where voting is conducted.

(58) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

(59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(60) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

(61) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

(62) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

(63) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

(64) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(65) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

(66) "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(67) "Registration form" means a book voter registration form and a by-mail voter registration form.

(68) "Regular ballot" means a ballot that is not a provisional ballot.

(69) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(70) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and nonpolitical groups to advance to the regular general election.

(71) "Resident" means a person who resides within a specific voting precinct in Utah.

(72) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

(73) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.

(74) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after the voter has voted it in order to preserve the secrecy of the voter's vote.

(75) "Special election" means an election held as authorized by Section 20A-1-203.

(76) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or a poll worker;

or

(c) lacks the official endorsement.

(77) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

(78) "Stub" means the detachable part of each ballot.

(79) "Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen.

(80) "Ticket" means each list of candidates for each political party or for each group of petitioners.

(81) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

(82) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(83) "Valid voter identification" means:

(a) a form of identification that bears the name and photograph of the voter which may include:

(i) a currently valid Utah driver license;

(ii) a currently valid identification card that is issued by:

(A) the state; or

(B) a branch, department, or agency of the United States;

(iii) a currently valid Utah permit to carry a concealed weapon;

(iv) a currently valid United States passport; or

(v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

(i) a valid tribal identification card;

(ii) a Bureau of Indian Affairs card; or

(iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection (83)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting

precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

(ii) a bank or other financial account statement, or a legible copy thereof;

(iii) a certified birth certificate;

(iv) a valid Social Security card;

(v) a check issued by the state or the federal government or a legible copy thereof;

(vi) a paycheck from the voter's employer, or a legible copy thereof;

(vii) a currently valid Utah hunting or fishing license;

(viii) certified naturalization documentation;

(ix) a currently valid license issued by an authorized agency of the United States;

(x) a certified copy of court records showing the voter's adoption or name change;

(xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

(C) a college, university, technical school, or professional school located within the state; or

(xiii) a current Utah vehicle registration.

(84) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

(85) "Voter" means a person who:

(a) meets the requirements for voting in an election;

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

(86) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

(87) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

(88) "Voting booth" means:

(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or

(b) a voting device that is free standing.

(89) "Voting device" means:

(a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;

(b) a device for marking the ballots with ink or another substance;

(c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;

(d) an automated voting system under Section 20A-5-302; or

(e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.

(90) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

(91) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

(92) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

(93) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

(94) "Western States Presidential Primary" means the election established in Chapter 9, Part 8, Western States Presidential Primary.

(95) "Write-in ballot" means a ballot containing any write-in votes.

(96) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Amended by Chapter 31, 2014 General Session

Amended by Chapter 231, 2014 General Session

Amended by Chapter 362, 2014 General Session

Amended by Chapter 391, 2014 General Session

20A-1-201. Date and purpose of regular general elections.

(1) A regular general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

(2) At the regular general election, the voters shall:

(a) choose persons to serve the terms established by law for the following offices:

(i) electors of President and Vice President of the United States;

(ii) United States Senators;

(iii) Representatives to the United States Congress;

(iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

(v) senators and representatives to the Utah Legislature;

(vi) county officers;

(vii) State School Board members;

(viii) local school board members;

(ix) except as provided in Subsection (3), local district officers, as applicable; and

(x) any elected judicial officers; and

(b) approve or reject:

(i) any proposed amendments to the Utah Constitution that have qualified for the ballot under procedures established in the Utah Code;

(ii) any proposed initiatives or referenda that have qualified for the ballot under procedures established in the Utah Code; and

(iii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

(3) This section:

(a) applies to a special service district for which the county legislative body or

the municipal legislative body, as applicable, has delegated authority for the special service district to an administrative control board; and

(b) does not apply to a special service district for which the county legislative body or the municipal legislative body, as applicable, has not delegated authority for the special service district to an administrative control board.

Amended by Chapter 362, 2014 General Session

20A-1-201.5. Primary election dates.

(1) A regular primary election shall be held throughout the state on the fourth Tuesday of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for national, state, school board, and county offices.

(2) A municipal primary election shall be held, if necessary, on the second Tuesday following the first Monday in August before the regular municipal election to nominate persons for municipal offices.

(3) If the Legislature makes an appropriation for a Western States Presidential Primary election, the Western States Presidential Primary election shall be held throughout the state on the first Tuesday in February in the year in which a presidential election will be held.

Amended by Chapter 320, 2013 General Session

20A-1-202. Date and purpose of municipal general election.

(1) Except as provided in Section 20A-1-206, a municipal general election shall be held in municipalities, and local districts as applicable, on the first Tuesday after the first Monday in November of each odd-numbered year.

(2) At the municipal general election, the voters shall:

(a) (i) choose persons to serve as municipal officers; and

(ii) for a local district that holds an election during an odd-numbered year, choose persons to serve as local district officers; and

(b) approve or reject:

(i) any proposed initiatives or referenda that have qualified for the ballot as provided by law; and

(ii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

Amended by Chapter 362, 2014 General Session

20A-1-203. Calling and purpose of special elections -- Two-thirds vote limitations.

(1) Statewide and local special elections may be held for any purpose authorized by law.

(2) (a) Statewide special elections shall be conducted using the procedure for regular general elections.

(b) Except as otherwise provided in this title, local special elections shall be conducted using the procedures for regular municipal elections.

(3) The governor may call a statewide special election by issuing an executive order that designates:

- (a) the date for the statewide special election; and
- (b) the purpose for the statewide special election.

(4) The Legislature may call a statewide special election by passing a joint or concurrent resolution that designates:

- (a) the date for the statewide special election; and
- (b) the purpose for the statewide special election.

(5) (a) The legislative body of a local political subdivision may call a local special election only for:

- (i) a vote on a bond or debt issue;
- (ii) a vote on a voted local levy authorized by Section 53A-16-110 or 53A-17a-133;
- (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;
- (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
- (v) if required or authorized by federal law, a vote to determine whether or not Utah's legal boundaries should be changed;
- (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
- (vii) a vote to elect members to school district boards for a new school district and a remaining school district, as defined in Section 53A-2-117, following the creation of a new school district under Section 53A-2-118.1;
- (viii) an election of town officers of a newly incorporated town under Section 10-2-128;
- (ix) an election of officers for a new city under Section 10-2-116;
- (x) a vote on a municipality providing cable television services or public telecommunications services under Section 10-18-204;
- (xi) a vote to create a new county under Section 17-3-1;
- (xii) a vote on the creation of a study committee under Sections 17-52-202 and 17-52-203.5;
- (xiii) a vote on a special property tax under Section 53A-16-110;
- (xiv) a vote on the incorporation of a city in accordance with Section 10-2-111;

or

- (xv) a vote on the incorporation of a town in accordance with Section 10-2-127.

(b) The legislative body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates:

- (i) the date for the local special election as authorized by Section 20A-1-204;
- and

- (ii) the purpose for the local special election.

(c) A local political subdivision may not call a local special election unless the ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a two-thirds majority of all members of the legislative body, if the local special election is for:

- (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);
- (ii) a vote on a voted leeway or levy program as described in Subsection

(5)(a)(ii); or

(iii) a vote authorized or required for a sales tax issue as described in Subsection (5)(a)(vi).

Amended by Chapter 158, 2014 General Session

20A-1-204. Date of special election -- Legal effect.

(1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to be held on:

(i) the fourth Tuesday in June;

(ii) the first Tuesday after the first Monday in November; or

(iii) for an election of town officers of a newly incorporated town under Section 10-2-128, on any date that complies with the requirements of that subsection.

(b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date.

(c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:

(A) determines and declares that there is a disaster, as defined in Section 53-2a-102, requiring that a special election be held on a date other than the ones authorized in statute;

(B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102, and the reasons for holding the special election on that other date; and

(C) votes unanimously to hold the special election on that other date.

(ii) The legislative body of a local political subdivision may not call a local special election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for Utah's Western States Presidential Primary.

(d) The legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.

(e) Nothing in this section prohibits:

(i) the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or

(ii) a local government from submitting a matter to the voters at the regular municipal election if authorized by law.

(2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a special election within a county on the same day as:

(i) another special election;

(ii) a regular general election; or

(iii) a municipal general election.

(b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

- (i) polling places;
- (ii) ballots;
- (iii) election officials; and
- (iv) other administrative and procedural matters connected with the election.

Amended by Chapter 295, 2013 General Session

Amended by Chapter 415, 2013 General Session

20A-1-206. Cancellation of local election -- Municipalities -- Local districts -- Notice.

- (1) A municipal legislative body may cancel a local election if:
 - (a) (i) (A) all municipal officers are elected in an at-large election under Subsection 10-3-205.5(1); and
 - (B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the number of open at-large municipal offices for which the candidates have filed; or
 - (ii) (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);
 - (B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed the number of open at-large municipal offices for which the candidates have filed; and
 - (C) each municipal officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each district is unopposed;
 - (b) there are no other municipal ballot propositions; and
 - (c) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:
 - (i) each municipal officer candidate is:
 - (A) unopposed; or
 - (B) a candidate for an at-large municipal office for which the number of candidates does not exceed the number of open at-large municipal offices; and
 - (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.
- (2) A municipal legislative body that cancels a local election in accordance with Subsection (1) shall give notice that the election is cancelled by posting notice:
 - (a) subject to Subsection (5), on the Statewide Electronic Voter Information Website as described in Section 20A-7-801 for 15 consecutive days before the day of the scheduled election;
 - (b) if the municipality has a public website, on the municipality's public website for 15 days before the day of the scheduled election;
 - (c) if the municipality publishes a newsletter or other periodical, in the next scheduled newsletter or other periodical published before the day of the scheduled election; and
 - (d) (i) at least twice in a newspaper of general circulation within the municipality before the day of the scheduled election; or
 - (ii) if there is no newspaper of general circulation within the municipality, in at

least three conspicuous places within the boundaries of the municipality at least 10 days before the day of the scheduled election.

(3) A local district board may cancel an election as described in Section 17B-1-306 if:

(a) (i) (A) any local district officers are elected in an at-large election; and
(B) the number of local district officer candidates for the at-large local district offices, including any eligible write-in candidates under Section 20A-9-601, does not exceed the number of open at-large local district offices for which the candidates have filed; or

(ii) (A) the local district has divided the local district into divisions under Section 17B-1-306.5;

(B) the number of local district officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large local district offices within the local district, if any, does not exceed the number of open at-large local district offices for which the candidates have filed; and

(C) each local district officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each division of the local district is unopposed;

(b) there are no other local district ballot propositions; and

(c) the local district governing body, no later than 20 days before the day of the scheduled election, adopts a resolution that cancels the election and certifies that:

(i) each local district officer candidate is:

(A) unopposed; or

(B) a candidate for an at-large local district office for which the number of candidates does not exceed the number of open at-large local district offices; and

(ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.

(4) A local district that cancels a local election in accordance with Subsection (3) shall give notice that the election is cancelled by posting notice:

(a) subject to Subsection (5), on the Statewide Electronic Voter Information Website as described in Section 20A-7-801 for 15 consecutive days before the day of the scheduled election;

(b) if the local district has a public website, on the local district's public website for 15 days before the day of the scheduled election;

(c) if the local district publishes a newsletter or other periodical, in the next scheduled newsletter or other periodical published before the day of the scheduled election; and

(d) (i) at least twice in a newspaper of general circulation within the local district before the day of the scheduled election; or

(ii) if there is no newspaper of general circulation within the local district, in at least three conspicuous places within the boundaries of the local district at least 10 days before the day of the scheduled election.

(5) A municipal legislative body that posts a notice in accordance with Subsection (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for a notice that fails to post due to technical or other error by the publisher of the Statewide Electronic Voter Information Website.

Amended by Chapter 97, 2012 General Session

20A-1-302. Opening and closing of polls on election day.

(1) Polls at all elections on the date of the election shall open at 7 a.m. and shall remain open until 8 p.m. of the same day.

(2) The election judges shall allow every voter who arrives at the polls by 8 p.m. to vote.

Amended by Chapter 264, 2006 General Session

20A-1-303. Determining results.

(1) (a) When one person is to be elected or nominated, the person receiving the highest number of votes at any:

(i) election for any office to be filled at that election is elected to that office; and

(ii) primary for nomination for any office is nominated for that office.

(b) When more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:

(i) election for any office to filled at that election are elected to that office; and

(ii) primary for nomination for any office are nominated for that office.

(2) Any ballot proposition submitted to voters for their approval or rejection:

(a) passes if the number of "yes" votes is greater than the number of "no" votes; and

(b) fails if:

(i) the number of "yes" votes equal the number of "no" votes; or

(ii) the number of "no" votes is greater than the number of "yes" votes.

Enacted by Chapter 1, 1993 General Session

20A-1-304. Tie votes.

(1) Except as provided in Subsection (2), if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within 30 days of the canvass or within 30 days of the recount if one is requested or held.

(2) For any municipal primary election, if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within five days of the canvass or within five days of the recount if one is requested or held.

Amended by Chapter 20, 2001 General Session

20A-1-305. Publication and distribution of election laws.

(1) The lieutenant governor shall:

(a) publish a sufficient number of copies of Title 20A, Election Code, and any other provisions of law that govern elections; and

- (b) transmit copies to each county clerk.
- (2) Each county clerk shall:
 - (a) inform the lieutenant governor of the number of copies needed; and
 - (b) furnish each election officer in the county with one copy.

Enacted by Chapter 1, 1993 General Session

20A-1-306. Electronic signatures prohibited.

Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and Subsections 68-3-12(1)(e) and 68-3-12.5(26) and (35), an electronic signature may not be used to sign a petition to:

- (1) qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the Voters;
- (2) organize and register a political party under Chapter 8, Political Party Formation and Procedures; or
- (3) qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and Nominating Procedures.

Amended by Chapter 189, 2014 General Session

20A-1-307. Residency requirements for person who verifies a signature on a petition.

Notwithstanding any other provision in this title that requires a person who signs the verification on a petition to be a resident, a person who is not a resident may sign the verification on a petition if:

- (1) the person signing the petition is a resident who is temporarily located outside the state at the time of signing; and
- (2) the person signing the verification meets all the requirements in the verification, except for the residency requirement.

Enacted by Chapter 72, 2012 General Session

20A-1-308. Elections during declared emergencies.

(1) As used in this section, "declared emergency" means a state of emergency that:

- (a) is declared by:
 - (i) the president of the United States;
 - (ii) the governor in an executive order under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; or
 - (iii) the chief executive officer of a political subdivision in a proclamation under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; and
- (b) affects an election in the state, including:
 - (i) voting on election day;
 - (ii) early voting;
 - (iii) the transmittal or voting of an absentee ballot or military-overseas ballot;
 - (iv) the counting of an absentee ballot or military-overseas ballot; or

- (v) the canvassing of election returns.
- (2) During a declared emergency, the lieutenant governor may designate a method, time, or location for, or relating to, an event described in Subsection (1)(b) that is different than the method, time, or location described in this title.
- (3) The lieutenant governor shall notify a voter or potential voter of a different method, time, or location designated under Subsection (2) by:
 - (a) posting a notice on the Statewide Electronic Voter Information Website established under Section 20A-7-801;
 - (b) notifying each election officer affected by the designation; and
 - (c) notifying a newspaper of general circulation within the state or a local media correspondent.

Enacted by Chapter 182, 2013 General Session

Amended by Chapter 182, 2013 General Session, (Coordination Clause)

Enacted by Chapter 219, 2013 General Session

20A-1-401. Interpretation of election laws -- Computation of time.

- (1) Courts and election officers shall construe the provisions of this title liberally to carry out the intent of this title.
- (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be included in all computations of days made under the provisions of this title.
- (3) Unless otherwise specifically provided for under this title:
 - (a) when computing any number of days before or after a specified date or event under this title, the specified date or day of the event is not included in the count; and
 - (b) (i) if the commencement date of a time period preceding a specified date or event falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;
 - (ii) if the last day of a time period following a specified date or event falls on a Saturday, Sunday, or legal holiday, the time period shall be extended to the following business day; and
 - (iii) if a deadline that falls before or after a specified date or event falls on a Saturday, Sunday, or legal holiday, the deadline shall be considered to fall on the following business day.

Amended by Chapter 297, 2011 General Session

20A-1-402. Election officer to render interpretations and make decisions.

The election officer shall render all interpretations and make all initial decisions about controversies or other matters arising under this chapter.

Enacted by Chapter 1, 1993 General Session

20A-1-403. Errors or omissions in ballots.

- (1) The election officer shall, without delay, correct any errors in paper ballots or ballot labels that he discovers, or that are brought to his attention, if those errors can be

corrected without interfering with the timely distribution of the paper ballots or ballot labels.

(2) (a) (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of sample or official ballots, a candidate or his agent may file, without paying any fee, a petition for ballot correction with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The petition shall contain:

(i) an affidavit signed by the candidate or his agent identifying the error or omission; and

(ii) a request that the court issue an order to the election officer responsible for the ballot error or omission to correct the ballot error or omission.

(3) (a) After reviewing the petition, the court shall:

(i) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(ii) summarily hear and dispose of any issues raised by the petition to obtain substantial compliance with the provisions of this title by the parties to the controversy; and

(iii) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

(b) The court may assess costs, including a reasonable attorney's fee, against either party.

Enacted by Chapter 1, 1993 General Session

20A-1-404. Election controversies.

(1) (a) (i) Whenever any controversy occurs between any election officer or other person or entity charged with any duty or function under this title and any candidate, or the officers or representatives of any political party, or persons who have made nominations, either party to the controversy may file a verified petition with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The verified petition shall identify concisely the nature of the controversy and the relief sought.

(2) After reviewing the petition, the court shall:

(a) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(b) summarily hear and dispose of any issues raised by the petition to obtain:

(i) strict compliance with all filing deadlines for financial disclosure reports under:

(A) Section 10-3-208, regarding campaign finance statements in municipal elections;

(B) Section 17-16-6.5, regarding campaign finance statements for county offices;

(C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign

Organization and Financial Reporting Requirements;

(D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign Organization and Financial Reporting Requirements;

(E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;

(F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting Requirements;

(G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and Financial Reporting Requirements;

(H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;

(I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and Financial Reporting;

(J) Title 20A, Chapter 11, Part 13, State and Local School Board Candidates; and

(K) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting Requirements for Judicial Retention Elections; and

(ii) substantial compliance with all other provisions of this title by the parties to the controversy; and

(c) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

Amended by Chapter 13, 2008 General Session

20A-1-501 (Superseded 01/01/15). Candidate vacancies -- Procedure for filling.

(1) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, may certify the name of another candidate to the appropriate election officer if:

(a) for a registered political party that will have a candidate on a ballot in a primary election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Subsection 20A-9-403(2)(c):

(i) only one or two candidates from that party have filed a declaration of candidacy for that office; and

(ii) one or both:

(A) dies;

(B) resigns because of acquiring a physical or mental disability, certified by a physician, that prevents the candidate from continuing the candidacy; or

(C) is disqualified by an election officer for improper filing or nominating procedures;

(b) for a registered political party that does not have a candidate on the ballot in

a primary, but that will have a candidate on the ballot for a general election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate:

- (i) dies;
 - (ii) resigns because of acquiring a physical or mental disability as certified by a physician;
 - (iii) is disqualified by an election officer for improper filing or nominating procedures; or
 - (iv) resigns to become a candidate for president or vice president of the United States; or
- (c) for a registered political party with a candidate certified as winning a primary election, after the deadline described in Subsection (1)(a) and continuing through the day before that day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate:
- (i) dies;
 - (ii) resigns because of acquiring a physical or mental disability as certified by a physician;
 - (iii) is disqualified by an election officer for improper filing or nominating procedures; or
 - (iv) resigns to become a candidate for president or vice president of the United States.

(2) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the state central committee of that political party, for candidates for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer.

(3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

(4) (a) The name of a candidate who is certified under Subsection (1)(a) after the deadline described in Subsection (1)(a) may not appear on the primary election ballot.

(b) The name of a candidate who is certified under Subsection (1)(b) after the deadline described in Subsection (1)(b) may not appear on the general election ballot.

(c) The name of a candidate who is certified under Subsection (1)(c) after the deadline described in Subsection (1)(c) may not appear on the general election ballot.

Amended by Chapter 317, 2013 General Session

20A-1-502. Midterm vacancies in office of United States representative or senator.

- (1) When a vacancy occurs for any reason in the office of a representative in

Congress, the governor shall issue a proclamation calling an election to fill the vacancy.

(2) (a) When a vacancy occurs in the office of U.S. senator, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall appoint a person to serve as U.S. senator until the vacancy is filled by election from one of three persons nominated by the state central committee of the same political party as the prior officeholder.

Enacted by Chapter 1, 1993 General Session

20A-1-503. Midterm vacancies in the Legislature.

(1) As used in this section:

(a) "Filing deadline" means the final date for filing:

(i) a declaration of candidacy as provided in Section 20A-9-202; and

(ii) a certificate of nomination as provided in Section 20A-9-503.

(b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

(2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior representative.

(3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

(4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:

(i) establish a date, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:

(A) a declaration of candidacy; or

(B) a certificate of nomination; and

(ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):

(A) on the lieutenant governor's website; and

(B) to each registered political party.

(b) A person intending to obtain a position on the ballot for the vacant office shall:

(i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and

(ii) run in the regular general election if:

(A) nominated as a party candidate; or

(B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.

(c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after the third Saturday in April and before August 31 of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor by August 30 for placement on the regular general election ballot.

(5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Amended by Chapter 327, 2011 General Session

Amended by Chapter 340, 2011 General Session

20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, state auditor, and lieutenant governor.

(1) (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, or state auditor, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.

(2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the consent of the Senate, appoint a person to hold the office until the next regular general election at which the governor stands for election.

Amended by Chapter 197, 2010 General Session

20A-1-506. Vacancy in the office of justice court judge.

(1) As used in this section:

(a) "Appointing authority" means:

(i) for a county:

(A) the chair of the county commission in a county having the county commission or expanded county commission form of county government; and

(B) the county executive in a county having the county executive-council form of government; and

(ii) for a city or town, the mayor of the city or town.

(b) "Local legislative body" means:

(i) for a county, the county commission or county council; and

(ii) for a city or town, the council of the city or town.

(2) (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of his term of office, the appointing authority may:

(i) fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78A-7-202; or

(ii) contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services.

(b) When the appointing authority chooses to contract under Subsection (2)(a)(ii), it shall ensure that the contract is for the same term as the term of office of the judge whose services are replaced by the contract.

(c) The appointing authority shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a judge under this section within 30 days after filling the vacancy.

(3) (a) If a vacancy occurs in the office of a county justice court judge before the completion of that judge's term of office, the appointing authority may fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78A-7-202.

(b) The appointing authority shall notify the Office of the State Court Administrator in writing of any appointment of a county justice court judge under this section within 30 days after the appointment is made.

(4) (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:

(i) advertise the vacancy and solicit applications for the vacancy;

(ii) appoint the best qualified candidate to office based solely upon fitness for office;

(iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting employment of relatives in making appointments to fill the vacancy; and

(iv) submit the name of the appointee to the local legislative body.

(b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

Amended by Chapter 3, 2008 General Session

Amended by Chapter 19, 2008 General Session

20A-1-507. Midterm vacancies in the State Board of Education.

(1) If a vacancy occurs on the State Board of Education for any reason other than the expiration of a member's term, the governor, with the consent of the Senate, shall fill the vacancy by appointment of a qualified member to serve out the unexpired term.

(2) The lieutenant governor shall issue a certificate of appointment to the appointed member and certify the appointment to the board.

Enacted by Chapter 1, 1993 General Session

20A-1-508. Midterm vacancies in county elected offices.

(1) As used in this section:

(a) (i) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county surveyor, and the county assessor.

(ii) "County offices" does not mean the offices of president and vice president of

the United States, United States senators and representatives, members of the Utah Legislature, state constitutional officers, county attorneys, district attorneys, and judges.

(b) "Party liaison" means the political party officer designated to serve as a liaison with each county legislative body on all matters relating to the political party's relationship with a county as required by Section 20A-8-401.

(2) (a) Until a replacement is selected as provided in this section and has qualified, the county legislative body shall appoint an interim replacement to fill the vacant office by following the procedures and requirements of this Subsection (2).

(b) (i) To appoint an interim replacement, the county legislative body shall give notice of the vacancy to the party liaison of the same political party of the prior office holder and invite that party liaison to submit the name of a person to fill the vacancy.

(ii) That party liaison shall, within 30 days, submit the name of the person selected in accordance with the party constitution or bylaws as described in Section 20A-8-401 for the interim replacement to the county legislative body.

(iii) The county legislative body shall no later than five days after the day on which a party liaison submits the name of the person for the interim replacement appoint the person to serve out the unexpired term.

(c) (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in accordance with Subsection (2)(b)(iii), the county clerk shall send to the governor a letter that:

(A) informs the governor that the county legislative body has failed to appoint a replacement within the statutory time period; and

(B) contains the name of the person to fill the vacancy submitted by the party liaison.

(ii) The governor shall appoint the person named by the party liaison as an interim replacement to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed as interim replacement under this Subsection (2) shall hold office until their successor is elected and has qualified.

(3) (a) The requirements of this Subsection (3) apply to all county offices that become vacant if:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after the election at which the person was elected but before April 10 of the next even-numbered year.

(b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(ii) All persons intending to become candidates for the vacant office shall:

(A) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

(B) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 8, Political Party Formation and Procedures, run in the regular general election.

(4) (a) The requirements of this Subsection (4) apply to all county offices that become vacant if:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75 days before the regular primary election.

(b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk shall notify the public and each registered political party that:

(A) the vacancy exists; and

(B) identifies the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.

(ii) All persons intending to become candidates for the vacant offices shall, within five days after the date that the notice is made, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

(iii) The county central committee of each party shall:

(A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and

(B) certify the name of the candidate or candidates to the county clerk at least 60 days before the regular primary election.

(5) (a) The requirements of this Subsection (5) apply to all county offices that become vacant:

(i) if the vacant office has an unexpired term of two years or more; and

(ii) when 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.

(b) When the conditions established in Subsection (5)(a) are met, the county central committees of each political party registered under this title that wishes to submit a candidate for the office shall summarily certify the name of one candidate to the county clerk for placement on the regular general election ballot.

(6) (a) The requirements of this Subsection (6) apply to all county offices that become vacant:

(i) if the vacant office has an unexpired term of less than two years; or

(ii) if the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.

(b) (i) When the conditions established in Subsection (6)(a) are met, the county legislative body shall give notice of the vacancy to the party liaison of the same political party as the prior office holder and invite that party liaison to submit the name of a person to fill the vacancy.

(ii) That party liaison shall, within 30 days, submit the name of the person to fill the vacancy to the county legislative body.

(iii) The county legislative body shall no later than five days after the day on which a party liaison submits the name of the person to fill the vacancy appoint the person to serve out the unexpired term.

(c) (i) If the county legislative body fails to appoint a person to fill the vacancy in accordance with Subsection (6)(b)(iii), the county clerk shall send to the governor a letter that:

(A) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(B) contains the name of the person to fill the vacancy submitted by the party liaison.

(ii) The governor shall appoint the person named by the party liaison to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed to fill the vacancy under this Subsection (6) shall hold office until their successor is elected and has qualified.

(7) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.

(8) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the same time limits.

(9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the person who created the vacancy and until a successor is elected and qualified.

(b) Nothing in this section may be construed to contradict or alter the provisions of Section 17-16-6.

Amended by Chapter 35, 2011 General Session

Amended by Chapter 297, 2011 General Session

Amended by Chapter 327, 2011 General Session

20A-1-509. Definitions applicable to Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

As used in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3:

(1) "County clerk" means:

(a) for a single county, the county clerk of that county; and

(b) for a prosecution district, the county clerk of the most populous county within the prosecution district.

(2) "County legislative body" includes each legislative body with the power to participate in the selection of a district attorney as provided in the interlocal prosecution district agreement.

Repealed and Re-enacted by Chapter 139, 1997 General Session

20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more attorneys.

(1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) (a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs before the third Thursday in March of the even-numbered year.

(b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(c) All persons intending to become candidates for the vacant office shall:

(i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

(ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and

(iii) if elected, complete the unexpired term of the person who created the vacancy.

(d) If the vacancy occurs after the second Friday in March and before the third Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until seven days after the county clerk gives notice under Subsection (2)(b), but no later than the fourth Thursday in March.

(3) (a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than 75 days before the regular primary election.

(b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:

(i) notify the public and each registered political party that the vacancy exists; and

(ii) identify the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.

(c) All persons intending to become candidates for the vacant office shall:

(i) within five days after the date that the notice is made, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declaration of Candidacy; and

(ii) if elected, complete the unexpired term of the person who created the vacancy.

(d) The county central committee of each party shall:

(i) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and

(ii) certify the name of the candidate or candidates to the county clerk at least 60 days before the regular primary election.

(4) (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.

(b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wish to submit a candidate for the office shall summarily certify the name of one candidate to the county clerk for placement on the regular general election ballot.

(c) The candidate elected shall complete the unexpired term of the person who created the vacancy.

(5) (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of less than two years; or

(ii) the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.

(b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior officeholder and invite that committee to submit the names of three nominees to fill the vacancy.

(c) That county central committee shall, within 30 days of receiving notice from the county legislative body, submit to the county legislative body the names of three nominees to fill the vacancy.

(d) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

(i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(ii) contains the list of nominees submitted by the party central committee.

(f) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 days after receipt of the letter.

(g) A person appointed to fill the vacancy under Subsection (5) shall complete the unexpired term of the person who created the vacancy.

(6) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

Amended by Chapter 297, 2011 General Session

Amended by Chapter 327, 2011 General Session

20A-1-509.2. Procedure for filling vacancy in county or district with fewer than 15 attorneys.

(1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:

(a) informs the attorney of the vacancy;

(b) invites the attorney to apply for the vacancy; and

(c) informs the attorney that if the attorney has not responded within 10 calendar days from the date that the letter was mailed, the attorney's candidacy to fill the vacancy will not be considered.

(3) (a) (i) If, after 10 calendar days from the date the letter was mailed, more than three attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county clerk shall, except as provided in Subsection (3)(a)(ii), submit the applications to the county central committee of the same political party of the prior

officeholder.

(ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central committee of each county within the prosecution district.

(b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body within 20 days after the date the county clerk submitted the applicants' names.

(c) The county legislative body shall appoint one of the nominees to fill the vacant position.

(d) If the central committee of the political party fails to submit at least three names to the county legislative body within 20 days after the date the county clerk submitted the applicants' names, the county legislative body shall appoint one of the applicants to fill the vacant position.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 120 days after the vacancy occurs, the county clerk shall mail to the governor:

(i) a letter informing the governor that the county legislative body has failed to appoint a person to fill the vacancy; and

(ii) (A) the list of nominees, if any, submitted by the central committee of the political party; or

(B) if the party central committee has not submitted a list of at least three nominees within the required time, the names of the persons who submitted applications for the vacant position to the county clerk.

(f) The governor shall appoint, within 30 days after receipt of the letter, a person from the list to fill the vacancy.

(4) (a) If, after 10 calendar days from the date the letter was mailed, three or fewer attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county legislative body may:

(i) appoint one of them to be county or district attorney; or

(ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection (4)(b).

(b) (i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.

(ii) The county legislative body shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.

(c) If the legislative body fails to appoint a person to fill the vacancy within 120 days after the vacancy occurs, the county clerk shall:

(i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and

(ii) provide the governor with a list of all the applicants.

(d) The governor shall appoint a person to fill the vacancy within 30 days after

the governor receives the notification.

(5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.

Amended by Chapter 237, 2013 General Session

20A-1-509.3. Procedure for making interim replacement.

(1) Until the vacancy is filled as provided in Section 20A-1-509.1 or 20A-1-509.2 and the new county attorney or district attorney has qualified, the county legislative body may appoint an interim replacement to fill the vacant office by following the procedures and requirements of this subsection.

(a) The county legislative body shall appoint a deputy county or district attorney to serve as acting county or district attorney if there are at least three deputies in the office that has the vacancy.

(b) The county legislative body may contract with any member of the Utah State Bar in good standing to be acting county or district attorney if:

- (i) there are not at least three deputies in the office that has the vacancy; or
- (ii) there are three or more deputies in the office but none of the deputies is willing to serve.

(2) A person appointed as interim replacement under this section shall hold office until his successor is selected and has qualified.

Enacted by Chapter 139, 1997 General Session

20A-1-510. Midterm vacancies in municipal offices.

(1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality who meets the qualifications for office established in Section 10-3-301 to fill the unexpired term of the office vacated until the January following the next municipal election.

(b) Before acting to fill the vacancy, the municipal legislative body shall:

(i) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy;

(ii) identify, in the notice:

- (A) the date, time, and place of the meeting where the vacancy will be filled;
- (B) the person to whom a person interested in being appointed to fill the vacancy may submit the interested person's name for consideration; and
- (C) the deadline for submitting an interested person's name; and

(iii) in an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

(c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the municipal legislative body shall fill the vacancy from among the names that have been submitted.

(ii) The two persons having the highest number of votes of the municipal legislative body after a first vote is taken shall appear before the municipal legislative

body and the municipal legislative body shall vote again.

(iii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

(2) (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

(i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and

(ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.

(b) In appointing an interim replacement, the municipal legislative body shall:

(i) comply with the notice requirements of this section; and

(ii) in an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

(3) (a) In a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:

(i) the council may appoint a person to fill a vacancy in the office of mayor before the effective date of the mayor's resignation by making the effective date of the appointment the same as the effective date of the mayor's resignation; and

(ii) if a vacancy in the office of mayor occurs before the effective date of an appointment under Subsection (1) or (2) to fill the vacancy, the council chair shall serve as acting mayor during the time between the creation of the vacancy and the effective date of the appointment to fill the vacancy.

(b) While serving as acting mayor under Subsection (3)(a)(ii), the council chair continues to:

(i) act as a council member; and

(ii) vote at council meetings.

Amended by Chapter 327, 2012 General Session

20A-1-511. Midterm vacancies on local school boards.

(1) (a) A local school board shall fill vacancies on the board by appointment, except as otherwise provided in Subsection (2).

(b) If the board fails to make an appointment within 30 days after a vacancy occurs, the county legislative body, or municipal legislative body in a city district, shall fill the vacancy by appointment.

(c) A member appointed and qualified under this subsection shall serve until a successor is elected or appointed and qualified.

(2) (a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a two-year term if:

(i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 days before the deadline for filing a declaration of candidacy; and

(ii) two years of the vacated term will remain after the first Monday of January

following the next school board election.

(b) Members elected under this subsection shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.

(3) Before appointing a person to fill a vacancy under this section, the local school board shall:

(a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy;

(b) identify, in the notice:

(i) the date, time, and place of the meeting where the vacancy will be filled; and

(ii) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it; and

(c) in an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

Amended by Chapter 327, 2012 General Session

20A-1-512. Midterm vacancies on local district boards.

(1) (a) Whenever a vacancy occurs on any local district board for any reason, a replacement to serve out the unexpired term shall be appointed as provided in this section by:

(i) the local district board, if the person vacating the position was elected; or

(ii) the appointing authority, as defined in Section 17B-1-102, if the person vacating the position was appointed.

(b) Except as provided in Subsection (1)(c), before acting to fill the vacancy, the local district board or appointing authority shall:

(i) give public notice of the vacancy at least two weeks before the local district board or appointing authority meets to fill the vacancy; and

(ii) identify, in the notice:

(A) the date, time, and place of the meeting where the vacancy will be filled; and

(B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(c) An appointing authority is not subject to Subsection (1)(b) if the appointing authority appoints one of its own members and that member meets all applicable statutory board member qualifications.

(2) If the local district board fails to appoint a person to complete an elected board member's term within 90 days, the legislative body of the county or municipality that created the local district shall fill the vacancy following the procedure set forth for a local district in Subsection (1)(b).

Amended by Chapter 377, 2014 General Session

20A-1-513. Temporary absence in elected office of a political subdivision for military service.

(1) As used in this section:

(a) "Armed forces" means:

- (i) the Army of the United States;
- (ii) the United States Navy;
- (iii) the United States Air Force;
- (iv) the Marine Corps;
- (v) the Coast Guard;
- (vi) the National Guard; or
- (vii) a reserve or auxiliary of an entity listed in Subsections (1)(a)(i) through (vi).

(b) (i) "Elected official" is a person who holds an office of a political subdivision that is required by law to be filled by an election.

(ii) "Elected official" includes a person who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).

(c) (i) "Military leave" means the temporary absence from an office:

- (A) by an elected official called to active, full-time duty in the armed forces; and
- (B) for a period of time that exceeds 30 days and does not exceed 400 days.

(ii) "Military leave" includes the time a person described in Subsection (1)(c)(i) spends for:

- (A) out processing;
- (B) an administrative delay;
- (C) accrued leave; and
- (D) on rest and recuperation leave program of the armed forces.

(d) "Political subdivision's governing body" means:

- (i) for a county, city, or town, the legislative body of the county, city, or town;
- (ii) for a local district, the board of trustees of the local district;
- (iii) for a local school district, the local school board;
- (iv) for a special service district:

(A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or

(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and

(v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body that governs the affairs of the political subdivision.

(e) "Temporary replacement" means the person appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of the elected official who takes military leave.

(2) Except as provided by Subsection (8), an elected official creates a vacancy in the elected official's office if the elected official is called to active, full-time duty in the armed forces unless the elected official takes military leave as provided by this section.

(3) Except as provided by Subsection (8), an elected official may take military leave if the elected official submits to the political subdivision's governing body written notice of the intent to take military leave and the expected duration of the military leave, by the later of:

- (a) 21 days before the military leave begins; or
- (b) the next business day after which the elected official receives an order from the armed forces calling the elected official to active, full-time duty.

(4) An elected official's military leave:

(a) begins the day on which the elected official begins active, full-time duty in the armed forces; and

(b) ends the sooner of:

(i) the expiration of the elected official's term of office; or

(ii) the day on which the elected official ends active, full-time duty in the armed forces.

(5) A temporary replacement shall:

(a) meet the qualifications required to hold the office; and

(b) be appointed:

(i) before the day on which the military leave begins; and

(ii) (A) in the same manner as provided by this part for a midterm vacancy if a registered political party nominated the elected official who takes military leave as a candidate for the office; or

(B) by the political subdivision's governing body after submitting an application in accordance with Subsection (7)(b) if a registered political party did not nominate the elected official who takes military leave as a candidate for office.

(6) (a) A temporary replacement shall exercise the powers and duties of the office for which the temporary replacement is appointed for the duration of the elected official's military leave.

(b) An elected official may not exercise the powers or duties of the office while on military leave.

(c) If a temporary replacement is not appointed before the day on which the military leave begins as required by Subsection (5)(b)(i), no person may exercise the powers and duties of the elected official's office during the elected official's military leave.

(7) The political subdivision's governing body shall establish:

(a) the distribution of the emoluments of the office between the elected official and the temporary replacement; and

(b) an application form and the date by which a person shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.

(8) An elected official who is called to active, full-time duty in the armed forces before March 16, 2011 is on military leave.

Enacted by Chapter 42, 2011 General Session

20A-1-601. Bribery in elections -- Paying for votes -- Penalties.

(1) A person may not, directly or indirectly, by himself or through any other person:

(a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or other valuable consideration to or for any voter or to or for any other person:

(i) to induce the voter to vote or refrain from voting at any election provided by law;

(ii) to induce any voter to vote or refrain from voting at an election for any particular person or measure;

(iii) to induce a voter to go to the polls or remain away from the polls at any

election;

(iv) because a voter voted or refrained from voting for any particular person, or went to the polls or remained away from the polls; or

(v) to obtain the political support or aid of any person at an election;

(b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:

(i) induce a voter to vote or refrain from voting at any election;

(ii) induce any voter to vote or refrain from voting at an election for any particular person or measure; or

(iii) obtain the political support or aid of any person;

(c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the use of, any other person with the intent that the money or other valuable thing be used in bribery at any election provided by law; or

(d) knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money expended wholly or in part in bribery at any election.

(2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Amended by Chapter 276, 2008 General Session

20A-1-602. Receiving bribe -- Receiving payments for votes -- Penalties.

(1) A person may not, for himself or for any other person, directly or indirectly, by himself or through any person, before, during, or after any election:

(a) receive, agree to receive, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment for:

(i) voting or agreeing to vote;

(ii) going or agreeing to go to the polls;

(iii) remaining or agreeing to remain away from the polls; or

(iv) refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or measure at any election provided by law; or

(b) receive any money or other valuable thing because the person induced any other person to:

(i) vote or refrain from voting; or

(ii) vote or refrain from voting for any particular person or measure at any election provided by law.

(2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Amended by Chapter 276, 2008 General Session

20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records -- Penalties.

(1) (a) A person may not fraudulently vote on behalf of himself or another, by:

- (i) voting more than once at any one election;
 - (ii) knowingly handing in two or more ballots folded together;
 - (iii) changing any ballot after it has been cast or deposited in the ballot box;
 - (iv) adding or attempting to add any ballot or vote to those legally polled at any election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either before or after the ballots have been counted;
 - (v) adding to or mixing or attempting to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time; or
 - (vi) voting in a voting district or precinct when the person knew or should have known that the person was not eligible for voter registration in that district or precinct, unless the person is legally entitled to vote the ballot under Section 20A-4-107 or another provision of this title.
- (b) A person may not fraudulently interfere with an election by:
- (i) willfully detaining, mutilating, or destroying any election returns;
 - (ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;
 - (iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;
 - (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;
 - (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing; or
 - (vi) aiding, counseling, providing, procuring, advising, or assisting any person to do any of the acts specified in this section.

(2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a class A misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-1-604. Destroying instruction cards, sample ballots, or election paraphernalia -- Penalties.

- (1) A person may not:
- (a) willfully deface or destroy any list of candidates posted in accordance with the provisions of this title;
 - (b) willfully deface, tear down, remove or destroy any card of instruction or sample ballot, printed or posted for the instruction of voters during an election;
 - (c) willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare the voter's ballot during an election; or
 - (d) willfully hinder the voting of others.
- (2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a class C misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-1-605. Mutilating certificate of nomination -- Forging declination or resignation -- Tampering with ballots.

- (1) It is unlawful for any person to:
 - (a) falsely mark or willfully deface or destroy:
 - (i) any certificate of nomination or any part of a certificate of nomination; or
 - (ii) any letter of declination or resignation;
 - (b) file any certificate of nomination or letter of declination or resignation knowing it, or any part of it, to be falsely made;
 - (c) suppress any certificate of nomination, or letter of declination or resignation, or any part of a certificate of nomination or letter of declination or resignation that has been legally filed;
 - (d) forge any letter of declination or resignation;
 - (e) falsely make the official endorsement on any ballot;
 - (f) willfully destroy or deface any ballot;
 - (g) willfully delay the delivery of any ballots;
 - (h) examine any ballot offered or cast at the polls or found in any ballot box for any purpose other than to determine which candidate was elected; and
 - (i) make or place any mark or device on any ballot in order to determine the name of any person for whom the elector has voted.
- (2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section is guilty of a class A misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-1-606. Wagering on elections forbidden.

- (1) (a) A candidate may not, before or during any primary or election campaign:
 - (i) make any bet or wager anything of pecuniary value on the result of the primary or election, or on any event or contingency relating to any pending primary or election;
 - (ii) become a party to any bet or wager on the result of a primary or election or on any event or contingency relating to any pending primary or election; and
 - (iii) provide money or any other valuable thing to be used by any other person in betting or wagering upon the results of any impending primary or election.
- (b) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a third degree felony.
- (2) (a) A person who is not a candidate may not make any bet or wager anything of pecuniary value on the result of any primary or election, or on any event or contingency relating to any primary or election.
- (b) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (2)(a) is guilty of a class B misdemeanor.
- (3) (a) A person may not directly or indirectly make a bet or wager with any voter that is dependent upon the outcome of any primary or election with the intent to subject

that voter to the possibility of challenge at a primary or election or to prevent the voter from voting at a primary or election.

(b) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (3)(a) is guilty of a class B misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-1-607. Inducing attendance at polls -- Payment of workers.

(1) (a) It is unlawful for any person to pay another for any loss due to attendance at the polls or to registering.

(b) This subsection does not permit an employer to make any deduction from the usual salary or wages of any employee who takes a leave of absence as authorized under Section 20A-3-103 for the purpose of voting.

(2) (a) A person may not pay for personal services performed or to be performed on the day of a caucus, primary, convention, or election, or for any purpose connected with a caucus, primary, convention, or election that directly or indirectly affect the result of the caucus, primary, convention, or election.

(b) Subsection (2) does not prohibit the hiring of persons whose sole duty it is to act as challengers and watch the count of official ballots.

Enacted by Chapter 1, 1993 General Session

20A-1-608. Promises of appointment to office forbidden.

(1) In order to aid or promote his nomination or election, a person may not directly or indirectly appoint or promise to appoint any person or secure or promise to secure, or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument.

(2) Nothing contained in this section prevents:

(a) a candidate from stating publicly his preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

(b) a candidate for any office in which the person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for that office or nomination.

Enacted by Chapter 1, 1993 General Session

20A-1-609. Omnibus penalties.

(1) Unless another penalty is specifically provided, any person who violates any provision of this title is guilty of a class B misdemeanor.

(2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, a person convicted of any offense under this title may not:

(a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;

(b) take or hold the office to which he was elected; and

(c) receive the emoluments of the office to which he was elected.

(3) (a) Any person convicted of any offense under this title forfeits the right to vote at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(b) Any person may challenge the right to vote of a person described in Subsection (3)(a) by following the procedures and requirements of Section 20A-3-202.

Amended by Chapter 395, 2011 General Session

20A-1-610. Abetting violation of chapter -- Penalty.

In addition to the penalties established in Section 20A-1-609, any person who aids, abets, or advises a violation of any provision of this title is guilty of a class B misdemeanor, unless another penalty is specifically provided.

Enacted by Chapter 1, 1993 General Session

20A-1-611. Cost of defense of action.

Nothing contained in this chapter prevents any candidate from employing counsel to represent him in any action or proceeding affecting his rights as a candidate or from paying all costs and disbursements arising from that representation.

Amended by Chapter 396, 2011 General Session

20A-1-701. Prosecutions -- Venue.

Violations of the provisions of this title concerning expenditure of money or making contributions or providing services may be prosecuted in the county where the expenditure or contribution was made, or where the services were provided, or in any county where the money was paid or distributed.

Enacted by Chapter 1, 1993 General Session

20A-1-705. Supplemental judgment after criminal conviction.

(1) (a) If any person, in a criminal action, is found guilty of any violation of this chapter while a candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court, after entering the finding of guilt, shall:

(i) enter a supplemental judgment declaring that person to have forfeited the office; and

(ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(2) (a) If any person, in a similar action, is found guilty of any violation of this chapter committed while a member of the personal campaign committee of any candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court before which the action is tried shall, immediately after entering the finding of guilt:

(i) enter a supplemental judgment declaring the candidate to have forfeited the

office; and

(ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(3) If any person, in a criminal action, is found guilty of any violation of this chapter, committed while a candidate for the office of state senator or state representative, the court, after entering the finding of guilt, shall transmit a certificate setting forth the finding of guilt to the presiding officer of the legislative body for which the person is a candidate.

Enacted by Chapter 1, 1993 General Session

20A-1-801. Title.

This part is known as "Civil Action for Election Code Violation."

Enacted by Chapter 254, 2014 General Session

20A-1-802. Definitions.

As used in this part:

(1) "Bad faith" means that a person files a petition described in Subsection 20A-1-803(1):

(a) under circumstances where a reasonable person would not believe that the allegations are true; or

(b) (i) within 60 days before an election that the candidate to which the petition relates will appear on the ballot; and

(ii) under circumstances where a reasonable person would not believe that the allegations constitute a significant violation of a provision of this title.

(2) "Defendant" means each person against whom an allegation is made in the verified petition described in Subsection 20A-1-803(1).

(3) "Receiving official" means:

(a) the lieutenant governor, unless the verified petition described in Section 20A-1-803 alleges a violation by the governor, the lieutenant governor, or an employee of the lieutenant governor's office; or

(b) the attorney general, if the verified petition described in Section 20A-1-803 alleges a violation by the governor, the lieutenant governor, or an employee of the lieutenant governor's office.

(4) "Reviewing official" means:

(a) except as provided in Subsection (4)(b), the receiving official; or

(b) the reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving official appoints another individual as the reviewing official under Subsection 20A-1-803(3)(a).

(5) "Significant violation" means:

(a) a violation that, if known by voters before the election, may have resulted in a candidate, other than the candidate certified as having won the election, winning the election; or

(b) a violation that, had the violation not occurred, may have resulted in a

candidate, other than the candidate certified as having won the election, winning the election.

Enacted by Chapter 254, 2014 General Session

20A-1-803. Verified petition by registered voter -- Receiving and reviewing official -- Special investigation -- Special counsel -- Civil action.

(1) A registered voter may file a verified petition alleging a violation of any provision of this title, if the registered voter:

- (a) has information relating to the alleged violation;
- (b) the allegation is against a candidate for whom the registered voter had the right to vote, a personal campaign committee of that candidate, or a member of a personal campaign committee of that candidate.

(2) The registered voter described in Subsection (1) shall file the verified petition with the receiving official.

(3) If the receiving official determines, in writing, that the receiving official has a conflict of interest in relation to taking an action required in this part, the receiving official shall:

(a) designate as the reviewing official an individual who does not have a conflict of interest, in the following order of precedence:

- (i) the attorney general;
- (ii) the state auditor;
- (iii) the state treasurer; or
- (iv) the governor; and

(b) forward the petition to the reviewing official for further action.

(4) (a) The reviewing official shall gather information and determine whether, in the discretion of the reviewing official, a special investigation is necessary.

(b) In making the determination described in Subsection (4)(a), the reviewing official may consider the following:

- (i) whether, based on the information available to the reviewing official, the reviewing official is able to determine that a violation did not occur;
- (ii) the seriousness of the alleged violation;
- (iii) whether the alleged violation was intentional or accidental;
- (iv) whether the alleged violation could be resolved informally;
- (v) whether the petition is frivolous or filed for the purpose of harassment;
- (vi) whether the alleged violation should be addressed in, or is being adequately addressed in, another forum, including a criminal investigation or proceeding;
- (vii) whether additional investigation, as part of a civil proceeding in relation to the petition, is desirable;
- (viii) the likelihood that an action, based on the allegations, is likely to be successful; or
- (ix) other criteria relevant to making the determination.

(5) If the reviewing official determines that a special investigation is necessary, the reviewing official shall:

(a) except as provided in Subsection (5)(b), refer the information to the attorney general, who shall appoint special counsel; or

(b) if the verified petition alleges that the attorney general violated a provision of this title, or if the reviewing official determines that the Office of the Attorney General has a conflict of interest in relation to the verified petition, appoint a person who is not an employee of the Office of the Attorney General as special counsel, in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

(6) The special counsel:

(a) shall review the petition and any evidence relative to determining whether a defendant committed a violation of a provision of this title;

(b) may interview individuals or gather additional evidence relative to determining whether a defendant committed a violation of a provision of this title;

(c) shall advise the reviewing official whether, in the opinion of the special counsel, sufficient evidence exists to establish that a defendant committed a significant violation of a provision of this title; and

(d) shall, within three days after the day on which the special counsel complies with Subsection (6)(c), prepare and provide to the reviewing official a document that:

(i) states whether, in the opinion of the special counsel, sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title; and

(ii) if the special counsel is of the opinion that sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title:

(A) states the name of each defendant for which, in the opinion of the special counsel, sufficient evidence exists to establish that the defendant committed at least one significant violation of a provision of this title;

(B) states each provision of this title for which, in the opinion of the special counsel, sufficient evidence exists to establish that the defendant violated; and

(C) may not include a description of the evidence supporting the opinion of the special counsel.

(7) The reviewing official shall:

(a) within three days after the day on which the reviewing official receives the document described in Subsection (6)(d), post a conspicuous link to the document on the home page of the reviewing official's website; and

(b) within seven days after the day on which the special counsel complies with Subsection (6)(c):

(i) determine whether, in the opinion of the reviewing official, sufficient evidence exists to establish that a defendant committed a significant violation of a provision of this title; and

(ii) if the reviewing official is of the opinion that sufficient evidence exists to establish that a defendant committed at least one significant violation of a provision of this title, direct the special counsel to file a civil action and serve summons in accordance with the Utah Rules of Civil Procedure:

(A) against each defendant for whom the reviewing official determines that sufficient evidence exists that the defendant committed a significant violation of this title; and

(B) that includes each significant violation for which the reviewing official determines that sufficient evidence exists.

(8) (a) The purpose of the civil action described in Subsection (7)(b)(ii) is to determine whether a defendant committed a significant violation of a provision of this title.

(b) For a civil action described in Subsection (7)(b)(ii), the complaint may include an allegation of any violation of a provision of this title by a defendant, regardless of whether the violation is alleged in the petition.

(c) The special counsel may amend the complaint at any time after the complaint is filed, including by adding allegations to the complaint or amending allegations already made in the complaint, if the court determines that the amendment will not violate the due process rights of the defendant against whom the added or amended allegation is made.

(9) (a) An action brought under this section shall:

(i) be heard without a jury, with the court determining all issues of fact and issues of law; and

(ii) have precedence over any other civil actions.

(b) The court shall schedule discovery and hearings, and shall otherwise conduct proceedings relating to an action brought under this section, in an expedited manner while preserving the rights of the parties and the integrity of the proceedings.

Enacted by Chapter 254, 2014 General Session

20A-1-804. Judgment and findings -- Appeal -- Criminal prosecution not affected by judgment.

(1) (a) Except as provided in Subsection (2), if the court finds that the candidate whose right to office is being challenged, the candidate's personal campaign committee, or a member of the candidate's personal campaign committee has committed a significant violation of any provision of this title, the judge shall enter an order:

(i) declaring void the election of the candidate to that office;

(ii) ousting and excluding the candidate from office; and

(iii) declaring the office vacant.

(b) A vacancy created by an order described in Subsection (1)(a) shall be filled as provided in this chapter.

(2) (a) As it relates to a candidate for either house of the Legislature, if the court finds that the candidate, the candidate's personal campaign committee, or a member of the candidate's personal campaign committee has committed a significant violation of any provision of this title, the court shall:

(i) prepare and sign written findings of fact and conclusions of law relating to the violation; and

(ii) without issuing an order, transmit those findings and conclusions to the reviewing official.

(b) The reviewing official shall transmit the judge's findings and conclusions to the house of the Legislature for which the person is a candidate.

(3) (a) A party may appeal the determination of the court in the same manner as appeals may be taken in civil actions.

(b) A judge may not issue an injunction suspending or staying the proceeding

unless:

- (i) application is made to the court or to the presiding judge of the court;
- (ii) all parties receive notice of the application and the time for the hearing; and
- (iii) the judge conducts a hearing.

(4) Any judgment or findings and conclusions issued as provided in this section may not be construed to bar or affect in any way any criminal prosecution of any candidate or other person.

Renumbered and Amended by Chapter 254, 2014 General Session

20A-1-805. Costs and attorney fees -- Other actions or remedies not foreclosed -- Grant of immunity.

(1) If judgment is in favor of the plaintiff in a civil action brought under this part, the special counsel may petition the judge to recover the reviewing official's taxable costs and attorney fees against the person whose right to the office is contested.

(2) The judge may not award costs or attorney fees to the defendant, unless it appears that the petitioner filed the petition in bad faith.

(3) Nothing in this section may be construed to prohibit any other civil or criminal actions or remedies against alleged violators.

(4) In the event a witness asserts a privilege against self-incrimination, the special counsel may request a person described in Subsections 77-22b-1(1)(a)(i) through (iii) to compel testimony and the production of evidence from the witness pursuant to Title 77, Chapter 22b, Grants of Immunity.

Enacted by Chapter 254, 2014 General Session

20A-1-806. Special counsel on appeal.

If either party appeals the judgment of the trial court, the reviewing official shall appoint a person to appear as special counsel in the appellate court in the matter.

Enacted by Chapter 254, 2014 General Session

20A-1-807. Compensation of special counsel.

(1) The special counsel authorized by this chapter shall receive reasonable compensation for the special counsel's services.

(2) The compensation shall be audited by the reviewing official and paid out of the state treasury upon the written statement of the reviewing official that:

(a) the appointment has been made;

(b) the person appointed has faithfully performed the duties of special counsel; and

(c) the special counsel's bill is accurate and correct.

(3) Compensation for special counsel shall be audited and paid in the same manner as other claims against the state are audited and paid.

Renumbered and Amended by Chapter 254, 2014 General Session

20A-1-808. Transition clause.

Any petition that is filed or pending under this part on or after March 1, 2013, shall be subject to the provisions of this part, including any amendments to this part made by Senate Bill 289, passed in the 2013 General Session.

Renumbered and Amended by Chapter 254, 2014 General Session